

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARVIN RHODES,

Plaintiff,

v.

Case No. 06-C-1249

JODINE DEPPISH,

Defendant.

ORDER OF DISMISSAL

Marvin Rhodes, who is currently incarcerated at Fox Lake Correctional Institution seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Rhodes filed his petition on December 4, 2006, and it was reviewed by Magistrate Judge Patricia J. Gorence. Judge Gorence has filed a recommendation that the action be dismissed on the ground that the petition is a second or subsequent petition and leave of the court of appeals is required to file it. *See* 28 U.S.C. § 2244(b)(3)(A). Rhodes has not filed any objection to the recommendation. Based on this fact and my own review of the record, I conclude that the recommended action is appropriate. Accordingly, I hereby adopt the recommendation of the magistrate judge and order that this action be dismissed as a second or subsequent petition pursuant to 42 U.S.C. § 2244(b)(3)(A).

SO ORDERED this 29th day of December, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge